

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

McKESSON CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:07mc3370-MHT
)	
DONNA M. PAUL, <i>et al.</i>)	
)	
Defendants.)	

ORDER ON MOTIONS

Pending before the undersigned is Plaintiff's Motion for Sanctions (Doc. #2). The Honorable Myron H. Thompson, District Judge, referred the matter to the undersigned on October 22, 2007. Upon consideration of Plaintiff's motion, this Court scheduled a hearing on November 7, 2007, and ordered Defendant Donna M. Paul (Paul) to file a response. Order of October 24, 2007 (Doc. #3). Paul filed a response, seeking dismissal of the motion for sanctions as well as the "civil action." Response of Paul (Doc. #5). Paul also filed a "Motion for Countersuit and Sanctions" (Doc. #6).

Pursuant to the Court's order, a hearing was held on November 7, 2007. Plaintiff did not appear at the hearing, nor did Plaintiff provide the Court with an explanation for its absence. The Court observes Plaintiff had notice of the hearing, as the docket sheet in this matter indicates the Order scheduling the hearing was mailed to Paul at a local address pursuant to Plaintiff's counsel (Doc. #3). It is therefore

ORDERED that the motion for sanctions (Doc. #2) is DENIED without prejudice.

The Court interprets Plaintiff's failure to appear as an abandonment of its motion. It is further

ORDERED that Paul's motion to dismiss (Doc. #5) and motion for countersuit and sanctions (Doc. #6) are STRICKEN from the record. The instant matter is not a civil action commenced under Rules 3 and 4 of the Federal Rules of Civil Procedure. No civil action is pending. Rather, the matter results from Plaintiff's receipt of a final judgment from another jurisdiction, which Plaintiff has registered in this district to seek enforcement. Thus, Paul's motions do not comply with the Federal Rules of Civil Procedure. It is further

ORDERED that the Clerk of Court STRIKE Paul's motion to dismiss (Doc. #5) and motion for countersuit and sanctions (Doc. #6) from the record.

DONE this 7th day of November, 2007.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE